February 4, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Via Electronic Filing

Re: *Written Ex Parte Communication*, WC Docket 11-59

Dear Ms. Dortch,

As the Federal Communications Commission ("FCC" or "Commission") continues its analysis of wireless facility siting issues on federal lands, PCIA—The Wireless Infrastructure Association and The DAS Forum, a membership section of PCIA,[1] write to expand on comments filed in response to the Notice of Inquiry on the acceleration of broadband deployment.[2] As noted in those comments, PCIA and The DAS Forum support Commission outreach to Congress and the Executive Branch to improve access to federal lands and buildings.[3] With nearly a third of the country's land mass owned by the federal government and federal institutions strategically located in urban and population centers, streamlining the siting process on federal lands and buildings has tremendous potential to facilitate the delivery of wireless broadband access to all Americans.

Inconsistent Treatment of Neutral Host Providers

Neutral host providers ("NHP") serve a vital purpose in the deployment of wireless facilities, as the Commission continues to recognize.[4] Working with wireless carriers, public safety entities, and federal agencies, NHPs provide expertise in navigating various deployment processes while addressing coverage and capacity of wireless services, facilitating collocation, and enhancing competition. However, as many of PCIA's NHP members report, federal agencies treat NHPs

[1] PCIA is the national association representing the wireless telecommunications infrastructure industry. PCIA's members own and manage more than 125,000 telecommunications towers and antenna structures across the country upon which cell sites can be collocated. PCIA seeks to facilitate the widespread deployment of communications networks across the country, consistent with the mandate of the Telecommunications Act of 1996. The DAS Forum, a membership section of PCIA, is dedicated to the development of DAS and small cell solutions as elements of the nation's wireless infrastructure. The DAS Forum's members include DAS providers and CMRS carriers that construct, modify, own, operate, lease and manage distributed antenna system facilities nationwide.

[2] *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, Notice of Inquiry, 26 FCC Rcd 5384 (2011).

[3] *See* Comments of PCIA-The Wireless Infrastructure Association and The DAS Forum, WC Docket No. 11-59, at 53-54 (July 18, 2011); Reply Comments of PCIA-The Wireless Infrastructure Association and The DAS Forum, WC Docket No. 11-59, at 43-45 (Sept. 30, 2011).

[4] *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Fifteenth Report, FCC 11-103, at ¶ 317 (June 27, 2011) ("When communications towers are owned by independent companies rather than wireless service providers, it may increase efficiency in the industry, ease entry and enhance wireless service competition.").

inconsistently. Ranging from unwritten practices to formal policy, federal agencies will often accept applications only from FCC licensees. For example, the National Park Service explicitly states: "Only FCC licensees can apply for [Wireless Telecommunications Facility] permits."[5] In deploying new wireless support structures, NHPs coordinate closely with wireless carriers to identify a coverage or capacity needs for which the structure is necessary to address. Limiting siting applications to licensees – be it by practice or policy – precludes a knowledgeable and beneficial segment of the wireless industry from addressing the needs of carriers and public safety entities and the service demands of consumers.

Need for Consistency and Predictability in Application Processes

The inconsistent treatment of NHPs across the federal government is also indicative of another issue in the siting of wireless facilities on federal property – consistency and predictability in the application process. In order to invest resources into the deployment of wireless infrastructure and the expansion of wireless networks, carriers and NHPs alike must have consistent application processes and predictable review timelines. This holds true for local, state, and federal government application processes. The experiences of PCIA's members indicate that this is not the case when deploying on federal property. For example, PCIA members report that application review timelines for the Department of Agriculture's Forest Service vary from a few weeks to several years in some instances.[6] While there may be outliers, the broad range is indicative of a lack of predictability in the process that inhibits investment.

Need for Consistency in the Procurement Process

Furthermore, consistency and predictability is also vital in the federal procurement process and the deployment of in-building wireless solutions, such as distributed antenna systems. At the FCC's recent workshop, representatives from the wireless industry, health care and academic institutions, and municipalities discussed the impact of wireless services and the importance of robust capacity and ubiquitous coverage, both indoors and outdoors. Panelists noted that 70 percent of wireless calls originate indoors[7] and 80 percent of all worldwide data connections initiate indoors.[8] Federal buildings are beginning to implement in-building wireless systems that provide seamless coverage for federal employees and visitors and enhance productivity and public services.[9] However, PCIA and The DAS Forum members report problems and complications within the current federal request for procurement process ("RFP") for the

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[5] NAT'L PARK SERV., U.S. DEP'T OF THE INTERIOR, RM-53 REFERENCE MANUAL SPECIAL PARK USES, app. 5 at A5-43 (2000), *available at* http://www.nps.gov/policy/DOrders/RM53.pdf.

[6] For example, an application to construct a wireless facility concealed as a pine tree on Galena Summit within the Sawtooth National Recreation Area in Idaho was pending from 2003 to 2008, ultimately resulting in a denial. Justin Kauffman, *Galena Summit Cell Tower Denied*, IDAHO MOUNTAIN EXPRESS, July 16, 2008, *available at* http://www.mtexpress.com/index2.php?ID=2005121595. The Idaho Bureau of Homeland Security noted the need for an emergency communications facility on Galena and the efficiency and savings collocating on the proposed facility offered. Justin Kauffman, *Officials: We Need Galena Summit Tower*, IDAHO MOUNTAIN EXPRESS, Feb. 25, 2009, *available at* http://www.mtexpress.com/index2.php?ID=2005125006&var_Year=2009&var_Month=02&var_Day=25. Left with litigation as its only recourse, the NHP in this case ultimately abandoned its plans to construct a tower.

[7] David Tuttle, Public Safety DAS, presentation at Federal Communications Commission (Feb. 1, 2012), *available at* http://transition.fcc.gov/presentations/02012012/panel-2/david-tuttle.pdf.

[8] Allen Dixon, DAS: A Small Cell Solution with Big Broadband Benefits, presentation at Federal Communications Commission (Feb. 1, 2012), *available at* http://transition.fcc.gov/presentations/02012012/panel-1/allen-dixon.pdf.

[9] Recent projects in federal buildings include: Federal Deposit Insurance Corporation (Arlington, VA); U.S. Army Court of Appeals (Washington, DC); Library of Congress (Washington, DC); Securities Exchange Commission (Washington, DC); and the U.S. Military Academy (West Point, NY).

deployment of these in-buildings systems. The current process lacks collaboration between the industry and the government so that key information – from system requirements to service expectations – is not timely available to installers and operators as they propose in-building facilities.[10] This lack of communication leads to delays, cost overruns, and technical problems in the network design, which ultimately complicates and burdens the deployment of advanced wireless services in federal buildings.

PCIA and The DAS Forum urge the Commission act upon the recommendations of the National Broadband Plan,[11] the FCC Technology Advisory Council,[12] and commenters in this docket.[13] The Commission should work with Congress and the Administration to identify processes and requirements for wireless facility siting on federal property that should be clarified and streamlined, and support legislation and executive orders that improve access to federal lands and buildings for wireless facility siting.

Sincerely,

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[10] *See generally* TECHAMERICA FOUNDATION, GOVERNMENT TECHNOLOGY OPPORTUNITY IN THE 21ST CENTURY: IMPROVING THE ACQUISITION OF MAJOR IT SYSTEMS FOR THE FEDERAL GOVERNMENT (Oct. 25, 2010), *available at* http://www.techamerica.org/Docs/fileManager.cfm?f=gto_21.pdf.
[11] *See* CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN (Mar. 2010).
[12] TECHNOLOGY ADVISORY COUNCIL, TECHNOLOGICAL ADVISORY COUNCIL CHAIRMAN'S REPORT (Apr. 22, 2011).
[13] *See, e.g.*, Ex parte Letter from Nneka Ezenwa, Executive Director - Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-59 (Oct. 11, 2011); Comments of NextG Networks, Inc., WC Docket No. 11-59 (July 18, 2011).